

PETITION FOR SPECIAL EXCEPTION 84-90-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for food store (snack shop) use in combination with existing service station.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Lessee:

MOBIL OIL CORPORATION

(Type or Print Name)

Signature: Paul D. Puma, Sr.

Real Estate Representative

Honeywell Center, Suite 305

Address 7900 Westpark Drive

McLean, VA 22102

City and State

Attorney: Robert H. Levan

(Type or Print Name)

Signature:

Suite 100 Overlook Center, 5457

Address Twin Knolls Rd

Columbia, MD 21045

City and State

Attorney's Telephone No.: 997-4101

Legal Owner(s):

See Attached

(Type or Print Name)

Signature:

(Type or Print Name)

Signature:

(Type or Print Name)

Signature:

(Type or Print Name)

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(Type or Print Name)

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Suite 105, Clark Building

Address

Columbia, Maryland 21044

City and State

Attorney's Telephone No.: 997-4101

Legal Owner(s):

SEE ATTACHMENT

(Type or Print Name)

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(Type or Print Name)

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RE: PETITION FOR SPECIAL EXCEPTION BEFORE THE ZONING COMMISSIONER

SE Corner of York & Margate Rds., 8th District

OF BALTIMORE COUNTY

MARGARET S. SHEELER, et al, Case No. 84-90-X

Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

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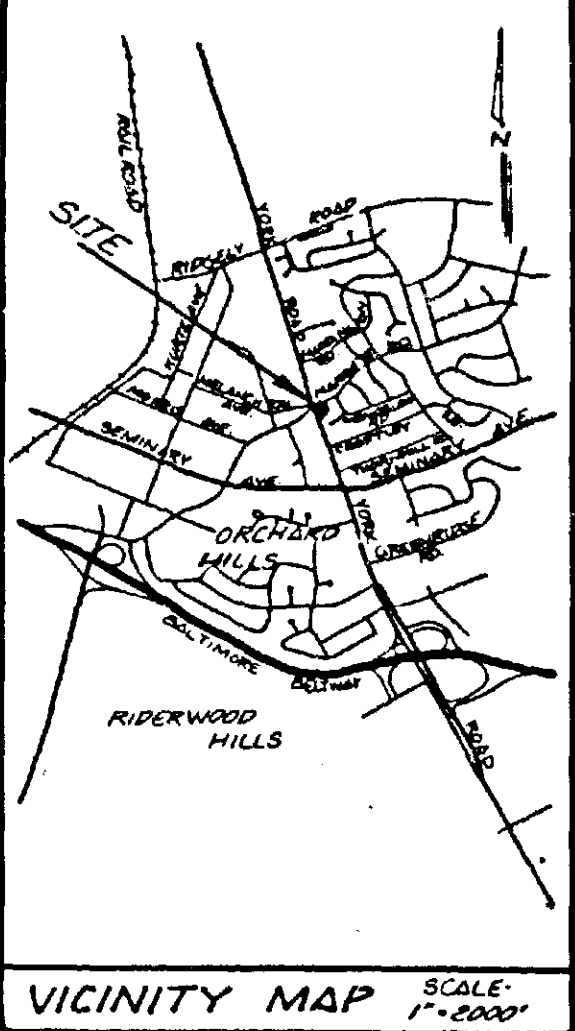
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FEB 24 1964



ZONING NOTES

ZONING STATUS

EXISTING ZONING: **BA**

EXISTING DISTRICT: **CNS**

ZONING REQUIREMENTS

2 DISPENSER ISLANDS WITH 4 DISPENSER PUMPS.

SERVING 3 CARS AT ONE TIME.

TOTAL SERVING SPACES **3**

TOTAL SERVING BAYS **2**

TOTAL BAYS AND SPACES **6**

SITE AREA REQUIRED **15,000 SQ. FT.**

EXISTING ANCILLARY USES: SALES OF SMALL AUTO PARTS AND ACCESSORIES.

CHRISTMAS TREE SALES

MINOR ACCESSORY USES, SUCH AS RESTROOMS, SALES OF MOTOR OIL,

ANTI-FREEZE AND ALLIED PRODUCTS.

VEHICLE REPAIR SERVICES, INCLUDING SELF SERVICE REPAIR FACILITIES:

BUT BODY AND FENDER WORK AND PAINT SPRAYING ARE NOT PERMITTED

SALES OF CIGARETTES, CANDY, SOFT DRINKS

AND OTHER ITEMS FROM VENDING MACHINES.

PROPOSED COMBINATION USES: FOOD STORE (195 SQ. FT.)

ADDITIONAL AREA REQUIRED: 780 SQ. FT.

TOTAL AREA REQUIRED: **15,780 SQ. FT.**

TOTAL AREA TRACT: **22,075 SQ. FT.**

EXISTING ACCESS POINTS:

2- FRONT STREET 35' EACH 130' WIDTH REQ'D. ACTUAL 146.67'

2- SIDE STREET 35' EACH 130' WIDTH REQ'D. ACTUAL 159.12'

EXISTING LANDSCAPE

TOTAL 4750 SQ. FT. = 21% OF TRACT. SHRUBS, BUSHES

GRASS AND STONE

5% = 1104 SQ. FT.

EXISTING LIGHTING

6- MERCURY VAPOR - 400 WATTS EACH

2 EA. ON 3 POLES 24' HIGH

EXISTING PARKING

PARKING SPACES REQ'D

3X2 BAYS = 6 SPACES

FOOD STORE 1 SPACE/200 SQ. FT. = 1 SPACE

TOTAL PARKING REQUIRED = 7 SPACES

PARKING SPACES PROVIDED = 7 SPACES

FOR ADDITIONAL INFORMATION SEE PREVIOUSLY

APPROVED SITE PLAN (5-24-76)

8TH ELECTION DISTRICT

LOCATION OF UNDERGROUND PIPING TAKEN FROM AVAILABLE RECORDS. CONTRACTOR SHALL LOCATE ALL PIPING TO HIS SATISFACTION PRIOR TO BEGINNING WORK.

NOTE: ADJUST ISLAND SPACING AND RECAST PUMP ISLANDS AS SHOWN. RELOCATE DISPENSERS AS DIRECTED AND INSTALL INTERCOM, SPEAKER AND ISLAND MESSAGE UNITS.

INSTALL NEW 11" SELF SERVE SIGN ON NEW 10" DIAMETER POLE AND FOUNDATION IN SAME LOCATION AS EXISTING SIGN. H=12'

REMOVE EX. BITUMINOUS PAVING AS NECESSARY AND EXTEND CONCRETE PLATFORM AS SHOWN AFTER INSTALLING CANOPY FOUNDATION.

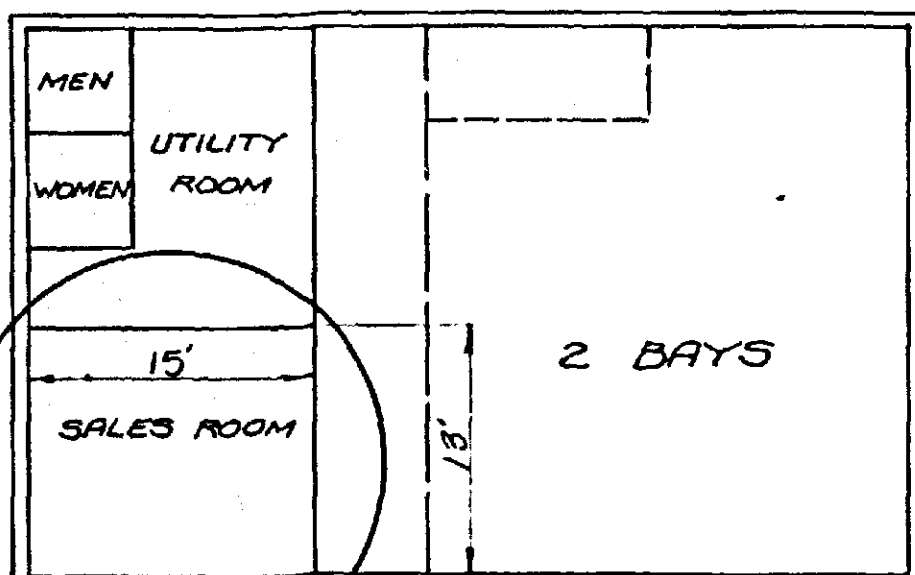
INSTALL NEW 24'x61' FLAT PECK CANOPY

EX. BITUMINOUS PAVING EXIST. (TO REMAIN)

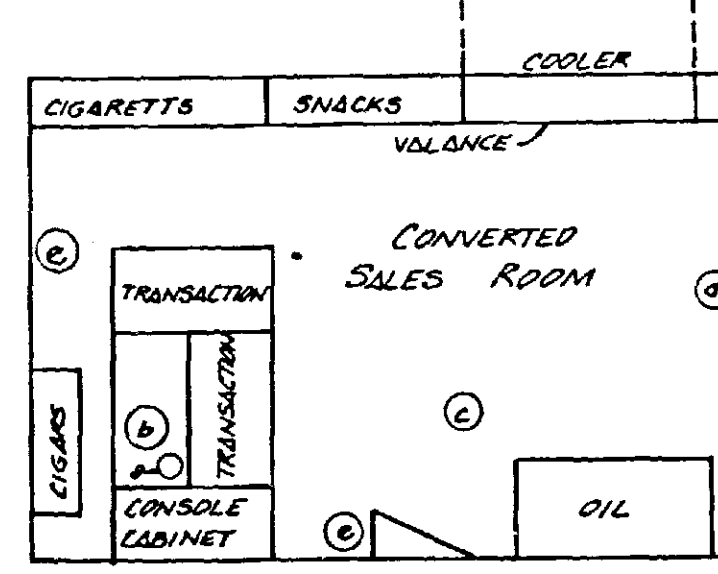
EX. LIGHT

EX. SIGN

REMOVE EX. BIT. PAVING AS NECESSARY AND EXTEND 6" REINFORCED CONCRETE MAT AS SHOWN.



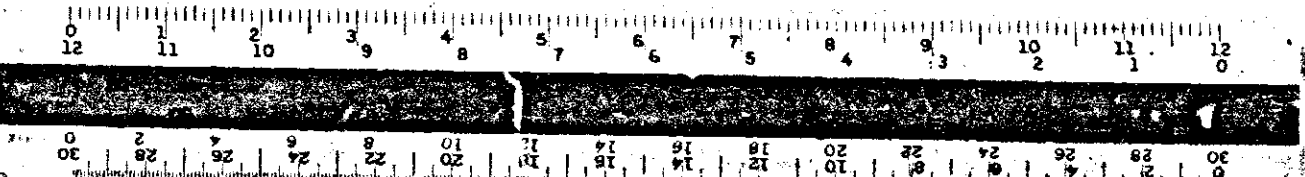
SERVICE STATION LAYOUT
SCALE: 1"=10'



- a. FLOOR SALES
- b. STOOL
- c. QUARRY TILE FLOOR
- d. REPLACE DOOR & FRAME
- e. 1" MINI BLIND (FRONT & SIDE)
- f. OPAQUE COVER ON BOTTOM OF ALL WINDOWS.

YORK ROAD
66' R/W

PLAN
SCALE: 1"=20'



APPLICANT

MOBIL OIL CORPORATION
10315 BALLS FORD ROAD
MANASSAS, VA. 20109
PHONE (703) 631-9253

OWNER

MARGARET S. SHEELER, ET AL.

Macris, Hendricks and Witmer P.A.
Engineers-Surveyors

15209 Frederick Road
Rockville, MD. 20850
(301) 340-8705

NO	REVISIONS	DATE	BY	CHKD.	MF
1	Revised Island Location	9-30	JCG		
2	Removed Sales Room Conversion	10-15	JCG		
3	ADDED SNACK SHOP CONVERSION & REVISED PARKING SCHEDULE	1-23	BY JCG		

Mobil Oil Corporation	
NORTH AMERICAN DIVISION EASTERN REGION VALLEY FORGE, PA 19482	
FULL SERVICE SELF SERVICE CONVERSION	
YORK AND MARGATE ROADS LUTHERVILLE, MD	
DRAWN: BETTY	DRAWING NUMBER: SE 242
CHECKED: J.C.G.	SHEET NUMBER: 1 OF 1
SCALE: 1"=20'	
DATE: 9-2-81	

THIS DRAWING IS THE PROPERTY OF MOBIL OIL CORPORATION. IT CONTAINS INFORMATION REVERSED AS CONFIDENTIAL BY MOBIL OIL. THE DRAWING AND THE INFORMATION THEREON IS NOT TO BE USED OR DISCLOSED TO OTHERS EXCEPT WITH WRITTEN MOBIL OIL AUTHORIZATION. THIS DRAWING IS NOT TO BE REPRODUCED OR COPIED WITHOUT PERMISSION AND IS TO BE RETURNED TO MOBIL OIL WITH ANY COPIES (PARTIAL OR COMPLETE) ON DEMAND.

PETITIONER'S
EXHIBIT 1

53987 p.66

PETITION FOR SPECIAL EXCEPTION
8th Election District

ZONING: Petition for Special Exception
LOCATION: Southeast corner of York and Margate Roads.
DATE & TIME: Tuesday, October 18, 1983 at 11:00 P.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for food store (snack shop) use in combination with existing service station.

All that parcel of land in the Eighth District of Baltimore County

Beginning at the Southeast corner of York Road and Margate Road, Baltimore County, Maryland, thence with the arc of a curve to the right having an

1) Arc length of 39.37 feet, and a radius of 26.00 feet to a curve point, thence with the arc of a curve to the left having an

2) Arc length of 109.36 feet, and a radius of 1450.72 feet to a point, then leaving Margate Road

2) South 22° 36' East, 162.56 feet to a point, thence

4) South 63° 22' West, 131.75 feet to a point on the easterly limits of York Road, then with said York Road

5) North 23° 37' West, 148.67 feet to the point of beginning. Containing 0.50 of an acre of land, more or less.

Being the property of Margaret S. Sheeler, et al, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF ARNOLD JABLON
ZONING COMMISSIONER OF
BALTIMORE COUNTY
48708-LS3987

CERTIFICATE OF PUBLICATION

TOWSON, MD.

10/3 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES

M. A. Angelillo

Cost of Advertisement, \$ 31.20

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8th Election District

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By order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Sept. 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 29, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ of ~~one time~~ ~~successive weeks~~ before the 18th day of October, 1983, the first publication appearing on the 29th day of September 1983.

THE JEFFERSONIAN,

L. Frank Strickler

Manager.

Cost of Advertisement, \$ 24.50

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 2nd day of November, 1983, that the Petition for Special Exception for a food store (snack shop) as a use in combination with the existing service station, in accordance with the site plan prepared by Macris, Hendricks and Witner, P.A., dated September 2, 1981, revised January 29, and marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following:

1. The salesroom shall be 13' x 15', and food sales shall be limited to prepackaged items.
2. No more than a 6' x 15' portion of the area located outside and immediately adjacent to the salesroom may be utilized for the display of soft drinks and automotive products. The outdoor display area and parking required shall be indicated on the site plan.
3. A revised site plan shall be submitted and approved by the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

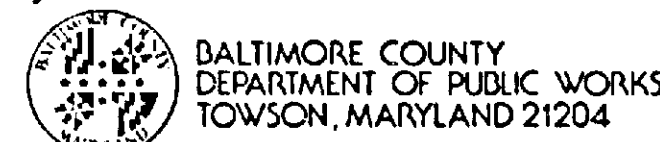
William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning Date: August 5, 1983
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and does not anticipate any health hazards at this time regarding these items:

- Item #13 - Margaret S. Sheeler, et al
- Item #15 - First National Bank of Maryland
- Item #19 - John J. Dippel, Jr., et ux

[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/eth



HARRY J. PISTEL, P.E.
DIRECTOR

August 10, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #13 (1983-1984)
Property Owner: Margaret S. Sheeler, et al
S/E corner York Road and Margate Road
Acres: 0.50 District: 8th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property for Item 169 (1981-1982) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 13 (1983-1984).

Very truly yours,
[Signature]
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EMH:FWR:SS

S-SE Key Sheet
46 NW 1 Pos. Sheet
NW 12 A Topo
60 Tax Map

Attachments

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

April 27, 1982

Re: Item #169 (1981-1982)
Property Owner: Margaret S. Sheeler, et al
S/E corner York Rd. and Margate Rd.
Acres: 0.50 District: 8th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements exist and are not directly involved.

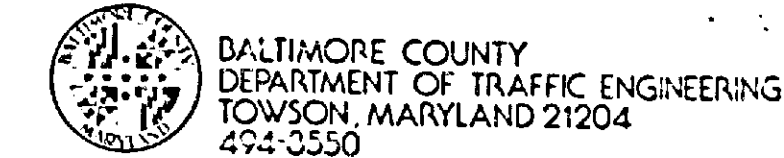
This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 169 (1981-1982).

Very truly yours,
[Signature]
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EMH:FWR:SS

cc: Jack Wimbley

S-SE Key Sheet
46 NW 1 Pos. Sheet
NW 12 A Topo
60 Tax Map



STEPHEN E. COLLINS
DIRECTOR

July 28, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 13, 14, 15, 16, 17, 18, 19, and 20 ZAC Meeting of July 12, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

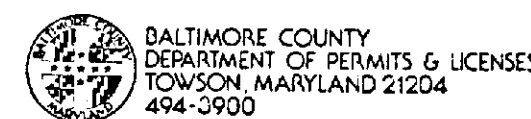
Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 13, 14, 15, 16, 17, 18, 19, and 20.

[Signature]
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/ccm



TED ZALESKI, JR.
DIRECTOR

August 22, 1983

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 13 Zoning Advisory Committee Meeting

are as follows:

Property Owner: Margaret S. Sheeler, et al
Location: S/E corner York Road and Margate Road
Existing Zoning: S.B.-CNS
Proposed Zoning: Special Exception for food store (snack shop) use in combination with existing service station

Acres: 0.50
District: 8th

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 44-2 State of Maryland Code for the Handicapped and Age; and other applicable Codes.
- X B. A building/and other miscellaneous permits shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal 14/24 not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 1401, line 2, Section 1407 and Table 1402.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s
- X G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal. Change of use from business (Service Station) to mixed uses Mercantile, "M" and Business "B".
- E. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 1401.
- X. Comments: Comply with Section 615.0

NOTE: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Charles E. Burnham, Chief
Plans Review

CEB:rrj
FORM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 18, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No: 12, 13, 14, 15, 16, 17, 18, 19, 20
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Z.A.C. Meeting of: July 12, 1983

Very truly yours,
[Signature]
Mr. Nick Petrovich, Assistant
Department of Planning

WNP/bp

PETITION FOR SPECIAL EXCEPTION

8th Election District

ZONING: Petition for Special Exception
LOCATION: Southeast corner of York and Margate Roads
DATE & TIME: Tuesday, October 18, 1983 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for food store (snack shop) use in combination with existing service station

All that parcel of land in the Eighth District of Baltimore County

Being the property of Margaret S. Sheeler, et al, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: Petition Special Exception
Mobill Oil Corp.,
Petitioner
Case No. 84-90-X

UPON objection made by the true owners of the property known as 1545 York Rd., Lutherville, Maryland, to the Lessee of said property, Mobill Oil Corporation, proceeding on its Petition for Special Exception, it is this 6th day of August, 1983,

ORDERED that the Petition for Special Exception be and is hereby accepted by the Office of the Zoning Commissioner and should be set for hearing, and the objection filed be denied.

It is clear that Section 500.2.a of the Baltimore County Zoning Regulations (BCZR) states that a Petition for Special Exception "may be filed with the Zoning Commissioner by the legal owner of the property or by his legally authorized representative." It is equally clear that Rule II B.1 of the Rules of Practice and Procedure of the Zoning Commissioner requires that any petition be in conformance with the form as supplied by the Commissioner, and that form allows for the legal owner to apply. The petition presented by both sides, the Lessee and the true owner of the property, whether the Lessee can proceed without the true owner's permission to prosecute a Petition for Special Exception.

After due consideration of the letter written to the Zoning Commissioner the counsel for the true owner, dated 28 July 1983, and the Memorandum filed by the counsel for the Lessee, dated 4 August 1983, it is the opinion herewith that the Lessee is acting as the "legally authorized representative" of the true owner pursuant to the lease entered into and

PETITIONER'S
EXHIBIT 2

executed by and between the two parties, dated 8 August 1960 and amended 23 May 1962, and submitted by the Lessee and made part of the Petition for Special Exception filed by the Lessee, dated 14 July 1983. The Lease signed by the parties has authorized standing to the Lessee to seek permission to develop or otherwise use the land in question as described therein, and in accordance with the terms and conditions as there set forth. It would appear, and it is uncontested by the true owners, that the Lease cannot be revoked at their whim and provides the Lessee with continued use and occupancy as long as the terms and conditions of the lease are complied with.

It is clear that the Lessee is the real party in interest and the only party who could furnish the information which the Zoning Commissioner would need in order to make a decision on the special exception requested. The true owner certainly could appear at any hearing held on the special exception, as could any party in interest, and object to the granting of same but the true owner for the purposes of proceeding on the request for special exception has indeed allowed the Lessee to stand in his stead for the express and sole purpose of filing a petition as was done here by Lessee. See Humble Oil & Refining Co. v. Board of Aldermen of Town of Chapel Hill, 202 S.E.2d 129 (N.C. 1974); O'Neill v. Philadelphia Zoning Board of Adjustment, 120 A2d 901 (Pa. 1956); Murray et al v. Inhabitants of the Town of Lincolnville, 162 A2d 10 (Me. 1983).

For the specific reasons set forth, and based on the facts of this particular case, the objection filed by counsel for the true owners must be denied.

By [Signature]
Zoning Commissioner of Baltimore County

LAW OFFICES
MUDD & HARRISON
306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204
AREA CODE 301-226-1235

July 28, 1983

Zoning Commissioner
of Baltimore County
111 West Chesapeake Avenue - Room 109
Towson, Maryland 21204

Re: Petition for Special Exception by
Mobill Oil Corporation

Dear Sir:

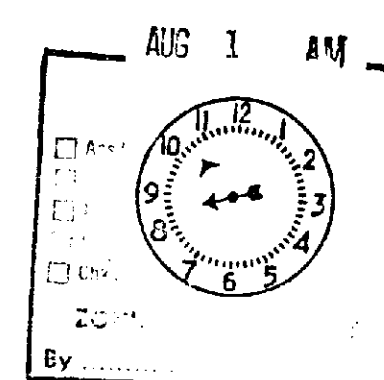
I represent the owners of the property subject of the above Petition. This Petition was filed by Mobill Oil Corporation, Lessee, for my clients, the owners. The owners have not signed this Petition for the reason that the property involved was leased as a gasoline service station and did not include a food store, which is the subject of the above Petition. It is also our position that Mr. Robert H. Levan, attorney for the Petitioner is not our agent and has no authority whatsoever to act on our behalf as the legal owners. We also point out the Rules of Practice and Procedure of the Zoning Commission of Baltimore County, Rule II B.1. requires that any petition to be accepted for filing must be on the form supplied by the Zoning Commissioner which means that the legal owners must also sign the petition. For those reasons we ask that this Petition not be accepted for filing and the same dismissed.

Very truly yours,

[Signature]
John E. Mudd

JEM/djb

cc: Robert H. Levan, Esquire
5457 Twin Knolls Road
Columbia, Maryland 21045



LEVAN, SCHIMEL, RICHMAN & BELMAN, P.A.

ATTORNEYS AT LAW
ROBERT H. LEVAN RONALD S. SCHIMEL GERALD M. RICHMAN P. DENNIS BELMAN
PAUL S. WARSCHOWSKY BRUCE M. HERSCHLAG

July 14, 1983

Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204
Att: Nick Commodari

Re: 1545 York Road, Lutherville, MD

Dear Mr. Commodari:

Enclosed are the two additional Petition forms you requested.

As I indicated to you, we have requested that the owners of the property join us in filing the Petition, recognizing that in the past they have refused.

In the event that they do not join, we will submit to the Zoning Commissioner a legal memorandum setting forth the proposition supported by Court authority, that based on its lease agreement, Mobill stands in the position, as agent for the legal owners of the property and may pursue Petition for Special Exception without their participation.

Very truly yours,

[Signature]
Robert H. Levan

RHL/rmw

enclosure

cc: Paul D. Puma

OVERLOOK CENTER SUITE 100 • 5457 TWIN KNOLLS ROAD • COLUMBIA, MARYLAND 21045
(301) 596-5620 D.C. (301) 997-4101 BALTIMORE

LEVAN, SCHIMEL, RICHMAN & BELMAN, P.A.

ATTORNEYS AT LAW
ROBERT H. LEVAN RONALD S. SCHIMEL GERALD M. RICHMAN P. DENNIS BELMAN
PAUL S. WARSCHOWSKY BRUCE M. HERSCHLAG

June 27, 1983

Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Re: 1545 York Road, Lutherville, MD

Dear Mr. Commissioner:

Enclosed herewith is a Petition for Special Exception for the above-referenced property. As required by the Zoning Commissioner's rules of practice and procedure, we are enclosing ten (10) copies of a surveyor's plat or site plan which includes a location plan and seven (7) copies of a surveyor's property description. We are also enclosing our check in the amount of \$50.00.

We recognize that the Ordinance contains a requirement that a Petition contain the signatures of the owners of the property. Mobill is the lessee of the property under a lease which continues in effect dated May 23, 1962, a copy of which we are also including as part of our application. It is our position that Mobill has the authority to act in its own behalf and as agent for the owners of the property in filing this application. In any event, we are attempting to obtain the signatures of the individual owners to the Petition for Special Exception.

We appreciate your indulgence in permitting us a reasonable amount of time to accomplish this consent. If we have any problems in this regard, we will advise you promptly.

Very truly yours,

[Signature]
Robert H. Levan (RMW)

RHL/rmw

cc: Margaret S. Sheeler
Ramona S. Burns
Hope S. McCaffrey
Gayle S. Keller
Robert E. Shock, Jr.
Evelyn S. Ford
E. June Shock
Shirley Henschen
Mobill Oil Corporation, Mr. Paul Puma
James Glascock
OVERLOOK CENTER SUITE 100 • 5457 TWIN KNOLLS ROAD • COLUMBIA, MARYLAND 21045
(301) 596-5620 D.C. (301) 997-4101 BALTIMORE

LEVAN, SCHIMEL, RICHMAN & BELMAN, P.A.

ATTORNEYS AT LAW
ROBERT H. LEVAN RONALD S. SCHIMEL GERALD M. RICHMAN P. DENNIS BELMAN
PAUL S. WARSCHOWSKY BRUCE M. HERSCHLAG

August 29, 1983

Arnold Jablon,
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
Towson, MD 21204

Re: Mobill Oil Corporation
Your Item No. 13

Dear Mr. Jablon:

In response to your letter of August 8, 1983, we would not request a hearing at this time subject to possible review of issues raised by Mr. Mudd in any responding Memorandum he should submit.

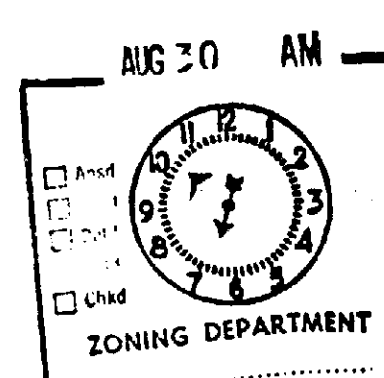
Thus far, we have not received a Memorandum and would reaffirm our position that the lease agreement contains the necessary authorization to permit Mobill to seek the special exception it desires.

Very truly yours,

[Signature]
Robert H. Levan

RHL/rmw

cc: Paul D. Puma
Senior Real Estate Representative
Mobill Oil Corporation



Zoning Commissioner of Baltimore County

Page Two

cc: Margaret S. Sheeler
318 Melancton Avenue
Lutherville, Md. 21093

Ramona S. Burns
7 Edgecliff Road
Baltimore, Maryland 21204

Hope S. McCaffrey
6 Margate Road
Lutherville, Md. 21093

Gayle S. Keller
14520 Cuba Road
Cockeysville, Maryland 21030

Robert E. Shock, Jr.
305 Melancton Avenue
Lutherville, Maryland 21093

Evelyn S. Ford
514 Fort Lewis Boulevard
Salem, Virginia 24153

E. June Shock
1702 Kurtz Avenue
Lutherville, Maryland 21093

Shirley Henschen
10 Margate Road
P. O. Box 223
Lutherville, Maryland 21093

Handwritten note: "Handy Mudd of Hwy date!"

Handwritten note: "Shirley Henschen - amw 524-6283 10 Box 223 Lutherville 21093"

Handwritten note: "Made of Oct. 17-83"

August 8, 1983

John E. Mudd, Esquire
306 West Joppa Road
Towson, Maryland 21204

Re: Mobill Oil Corporation
Item No. 13

Dear Mr. Mudd:

I am in receipt of a Memorandum of Law, dated August 8, 1983, from Robert H. Levan, Esquire, in the above-captioned matter.

If you should desire to respond, please do so within fourteen (14) days of the date of this letter. By copy of this letter to Mr. Levan, I am asking whether either party would request a hearing on the sole issue presented. If such a hearing is requested, please notify this office immediately. If not, I will issue my opinion based on the memoranda submitted.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: Robert H. Levan, Esquire
Suite 105, Clark Building
Columbia, Maryland 21044

PETITIONER'S EXHIBIT

Eth 6

RESUME

Samuel G. Crozier
Landscape Architect Land Planner

EDUCATION

Master of Landscape Architecture - University of Michigan 1964
Bachelors of Landscape Architecture - Ohio State University 1962

PROFESSIONAL ASSOCIATIONS

Member American Society of Landscape Architects.
President, Maryland Chapter, ASLA. (PAST)
Governor's appointment, State of Maryland, Board of Examiners of Landscape Architects.
Registered Landscape Architect nationally by examination.

EXPERIENCE

Seventeen years in the profession has given Sam Crozier a broad-based experience in feasibility studies, design and implementation of projects. Major emphasis has been in the planning process beginning with regional/local context, site analysis, program development, concept formulation and testing, criteria development, and ending with site plans, detailed design and construction documents. Within this framework, Sam Crozier has provided leadership and direction for reviewing projects with participating citizen associations, government staffs and private concerns.

After 3 years with the Rouse Company working with multi disciplinary teams on large scale land planning projects in the new town of Columbia, Maryland and on land use feasibility studies for housing, industrial and commercial projects throughout the country, Sam Crozier developed his own firm in Baltimore, Maryland. He has continued as a private consultant to the Rouse Company for 9 years and has won two national awards for Rouse Company projects. Prior to the Rouse Company and his own firm, experience working with allied professionals was developed by 3 years with one architectural firm and 6 years with landscape architectural firms.

Project emphasis has been in land planning for office/commercial projects, shopping malls, housing complexes and community planning.

EXPERIENCE, (CONT.)

as well as master plans for industrial parks and parks and recreation facilities. Many of these projects included public hearings, zoning appeals, community advocacy planning, demographic and facility analysis and user studies. The process has been graphically illustrated through reports and master plans from site analysis through site plans and included landscape architectural details such as: plant materials, street furniture, fountains, lighting and earthworks planning.

Sam Crozier has coordinated planning efforts with marketing studies, engineering reports, and architectural and graphic consultants. He is vitally concerned with improving man's environment and with rational, economical as well as environmentally sound use of the earth's natural resources.

PROJECTS

(A) LAND PLANNING

- 500 acre master plan for land use of a village in Columbia, Maryland new town. Mixed land uses including housing, commercial, recreation. Published development guidelines and design criteria; county reviews through approvals to develop project constructed.
- Housing: Master plans, site plans for high density housing, multifamily and single family housing developments in New Jersey, Pennsylvania, Maryland, Virginia, Atlanta. 175 lot single family's project in Baltimore County featuring sensitive site analysis, through zoning, marketing evaluation, concepts, master plan, site plan, grading plan and landscape details; all county approvals and reviews.
- Master plan and county reviews for industrial parks in Aberdeen, Maryland and at the Baltimore Washington International Airport. Both projects advanced the program potential beyond the client's expectations. The rail served Aberdeen project required numerous meetings with government agencies to gain zoning approval based on sensitive site analysis, ground water pollution studies and control. Provided unique design solutions to protect the environment while achieving economic viability through good site planning and phasing. Project under construction. BWI Airport site development plan of mixed office, retail and warehouse facilities exceeded client's initial programs and increased total square foot leasable with mixed land use.
- Office complexes: Virginia project, land planning, site analysis, conceptual and program development with multidisciplinary team for over 1 million square feet of office/retail/hotel complex with underground parking. Provided traffic circulation plan for entry, service and parking. Site plan details and full landscape architectural plans and earthworks. First phase, \$300,000 landscape budget.

PROJECTS (CONT.)

(B) URBAN PLANNING

- Frederick, Maryland streetscape study. Provided revitalization plans for historic Frederick including parking, commercial redevelopment, plans for street furniture planting, paving, lighting, roadway realignment and urban park design. Community planning meetings and agency review. Project phases constructed. Funding source studies.
- Baltimore City urban park and streetscape plans for area at Baltimore Inner Harbor Community College. Park plans, planting, earthworks, street furniture, parking and pathway site plan details. Study of pedestrian links to other areas of urban revitalization. Project constructed.
- Baltimore County conversion of residential neighborhood street to office use. New parking, sidewalk design, paving, lighting, walls, plant material and graphics. Project constructed.
- 3 urban park designs for Baltimore City Housing and Community Development Department. Community advocacy planning with neighborhood associations for program development, site analysis, site plans, city reviews, construction documents.
- Baltimore City River Front Park master plan, report and construction documents for 250 acres of land within the city. Community planning associations work sessions, city planning, state and corp of engineer reviews of plans. Complete program development with Recreation and Parks Department. Site analysis, concepts, master plan, report complete. Funding and implementation in progress.

(C) FEASIBILITY STUDIES

- Stranahan Estate: 700 acre study in Ohio to test land use programs on site conditions, availability of utilities, access potential, impact of regional land uses and to weigh these development opportunities against the economic constraints and cost of land purchase. Coordinated with marketing research to provide client with all data necessary to make development decisions.
- Stanford University: Planning study to identify physical development and economic opportunities for expansion of a regional retail complex on campus and to integrate plans with on-going and potential campus expansion into housing, academic, and office land uses. Developed traffic circulation and open space linkage concepts.

(D) LANDSCAPE ARCHITECTURE

- Beachwood Mall, Cleveland, Ohio: 90 acre high fashion shopping center, provided land planning, traffic circulation studies,

(D) LANDSCAPE ARCHITECTURE, (CONT.)

- conceptual planning and detailed site plans for entire site and for exterior and interior building spaces. Grading plans and planting plans. \$300,000 landscape budget. Project constructed and published. Design of interior spaces, fountains, planting and street furniture.
- Exton Mall, Pennsylvania: Regional shopping center. Land use plans, access plans, detailed site and landscape plans. Development included environmental study of creek realignment and revegetation to allow development while protecting animal habitats. Provided conceptual studies and designs of realignment, depth, type of bank control to hydraulic engineers for coordinated planning effort. Project included preservation of a historic house within a park-like environment recycling the house for community meetings. Our plans provided the fitting of this house in scale and proportion to the mall complex.
- Harper House Condominium Housing: Luxury Maryland housing complex. Landscape plans and grading to transition new development into existing village complex of Cross Keys. Planting plans including special light weight soil mixes, drainage and mounding to plant on roof of parking garage. Lighting and plaza design, project supervision.

(E) PARKS AND RECREATION

- 250 acre urban park for Baltimore City, (See urban planning above.)
- Master plans and construction documents for two parks for Maryland National Capital Parks and Planning Commission. Community planning sessions, program development, site analysis, concepts, site designs, construction documents through project supervision. Linking of standard made play equipment and development of site specific design for play to capitalize on unique site opportunities. Master plan for 1 mile of county hiker bicycle trails.
- Two parks for Fairfax County, Virginia park authority. Master plans including reprogramming of historic house, provisions for community allotment gardens. Full recreation facility program from high intensity use court sports, field sports, to nature study area. Program for habitat preservation and maintenance. Demographic studies to develop user matrix and facility study of region to determine type of facilities to be incorporated into site opportunities.
- Master plans for the Maryland State Veteran's Commission for two veteran's cemeteries. Complete site analysis, concepts - one unique to United States, site plans locating interment areas, plazas, drives, memorial areas, administration, chapel and service buildings. Reports published and distributed statewide.

AWARDS

National Award for Planning and Landscaping Architecture for Exton Mall Regional Shopping Center. Award presented by Mrs. Richard Nixon at the White House, 1973.
National Award for Environmental Improvement for Harper House project. Presented by former first lady, Mrs. "Ladybird" Lyndon Johnson, 1977.

TEACHING

Lecturer at George Washington University, University of Maryland, Ohio State University, North Carolina State University.

REFERENCES

- Jervis Dorton, Senior Architect
The Rouse Company
Columbia, Maryland
992-6000
- Stephen Hartman
Maryland Industrial Enterprises
6665 Security Boulevard
Baltimore, Maryland 21207
265-5500
- Mr. Terry Machamer
HELSMAN PROPERTIES, INC.
P. O. Box 5992
Baltimore, Maryland 21208
653-1082
- Mr. Ron Brasher
Columbia Design Collective
9114 Frederick Road
Ellicott City, Maryland 21043

LAW OFFICE OF
LEVAN, SCHIMMEL & RICHMAN, P.A.
PRACTICING IN MARYLAND AND THE DISTRICT OF COLUMBIA

ROBERT H. LEVAN
RONALD M. SCHIMMEL
HERALD M. RICHMAN
PAUL B. WARRHURNEY
* MARYLAND BAR ONLY

Robert E. Shock, Jr.
304 Melancthon Avenue
Lutherville, Maryland 21093

Dear Mr. Shock:

We acknowledge receipt of your letter in which you indicate that you are unable to sign a Declaration or Affirmance that you are the legal owners of the property at 1542 York Road based upon your belief that the purpose of the Special Exception which Mobil seeks would (a) violate its Lease with you, and (b) violate your Lease with the Southland Corporation with respect to its 7-11 operation. We understand that this view is shared by at least two of the other co-owners of the property, Mrs. Henschel and Mr. Sheeler.

We would like the opportunity to meet with you and the other co-owners who have expressed these concerns. At this meeting, I and a representative of Mobil would also want to review your Southland Lease to determine if the Special Exception would, in fact, contravene the provisions of that Lease.

Generally, the purpose of the Special Exception is to allow the service station operator to sell those types of products which are normally found in vending machines in service stations currently. The area to be designated as snack shop would also include the selling of automotive products, i.e. oil, filters, etc. which are frequently retailed in service stations. Our intention is to enhance the appearance of the Mobil station and to increase the earnings opportunity of its operator. To the best of our knowledge, the operation will not be competitive with the 7-11, although we assume that there will be an overlap in the sale of candy, soft drinks, potato chips and other small snack items.

Mr. Robert E. Shock, Jr. February 12, 1982
Page Two

We hope that you agree that the proposed meeting is appropriate. In this respect, I would appreciate your calling me at the number indicated above so that we might establish a mutually convenient time and place to meet.

Please be assured that Mobil does not desire to place you in a position which would compromise your contractual relationship with Southland. Rather, we seek to resolve this problem in a manner satisfactory to all parties.

Very truly yours,

Robert H. Levan

RHL/tl

cc: J. E. Lumsden
Shirley Henschel
Margaret Sheeler

LAW OFFICE OF
LEVAN, SCHIMMEL & RICHMAN, P.A.
PRACTICING IN MARYLAND AND THE DISTRICT OF COLUMBIA

ROBERT H. LEVAN
RONALD M. SCHIMMEL
HERALD M. RICHMAN
PAUL B. WARRHURNEY
* MARYLAND BAR ONLY

March 11, 1982

Ms. Shirley Henson
10 Margate Road
P. O. Box 223
Lutherville, Maryland 21093

Re: 1542 York Road

Dear Ms. Henson:

As a follow-up to our telephone conversation, we would appreciate meeting with you and other interested members of the family as soon as Mr. Shock returns for the purpose of discussing this matter with you.

Please let me know what date would be convenient so that I can arrange for appropriate company officials to be present at the meeting.

If you have any questions, please do not hesitate to call me.

Very truly yours,

Robert H. Levan
Robert H. Levan

RHL/rmw

cc: Mr. J. E. Lumsden,
Senior Real Estate Representative
Mobil Oil Corporation

3/4/82 Called Roots + told her to tell Bob. Read letter to her
Talked to Levan 3/16/82
Told him to contact Bob about meeting.

LEVAN, SCHIMMEL & RICHMAN, P.A.
ATTORNEYS AT LAW
ROBERT H. LEVAN
DONALD S. SCHIMMEL
GIRALD M. RICHMAN
PAUL S. WASHBURN
MARYLAND BAR ONLY

April 23, 1982

Robert E. Shock, Jr.
1702 Kurtz Avenue
Lutherville, Maryland 21093

Re: 1542 York Road

Dear Mr. Shock:

As an aftermath to our meeting with you on March 31st, Mobil representatives reconsidered their position in this matter and have determined to withdraw the request for a Special Exception. In so doing, Mobil will be advising its dealer on the implications of this decision and assumes that the station will be operated in accordance with the appropriate provisions of the Zoning Ordinance of Baltimore County.

We would not conclude this matter without expressing our appreciation to you and members of the family for taking their time to meet with us to discuss this matter, to listen to our views and to present yours. While we could not agree on a common position on this matter, Mobil hopes that its relationships with you, as landlords of the property, will continue to be amicable in the future.

Very truly yours,

Robert H. Levan

RHL/rmw
cc: Margaret S. Sheeler
Ramona S. Burns
Hope S. McCaffrey
Gayle S. Keller

cc: Evelyn S. Ford
E. June Shock
Shirley Henschen
J. E. Lumsden

Mobil Oil Corporation

2275 GALLONS PLANT
FARMER, VIRGINIA 22071
TELEPHONE (703) 895-4146

WAYNE E. MULLINS
ATTORNEY
MANAGING AND RETIRING ENGINEER - U.S.
OFFICE OF GENERAL COUNSEL

November 19, 1982

Ms. June Shock and
Ms. Gayle S. Keller
c/o Robert E. Shock, Jr.
304 Melancton Avenue
Lutherville, MD 21093

MOBIL OIL CORPORATION
LEASE FROM ROBERT E. SHOCK
AND EDNA M. SHOCK -
CORNER OF YORK & MARGATE RDS.
LUTHERVILLE, MD

Dear Ms. Shock and Ms. Keller:

This is to respond to your letter of November 9, 1982 to Mr. J. E. Lumsden, of Mobil Oil Corporation.

It is Mobil's belief that the property and service station which is under Lease from Robert E. Shock and Edna M. Shock is being operated in accordance with all applicable laws and ordinances. We do not believe the Correction Notice of Alleged Zoning Violation, which you referenced in your November 9th letter, was validly issued by Baltimore County, and we intend to contest the Notice. We are confident our position will be upheld. In any event, we will certainly comply with the ordinance as ultimately construed by the Zoning Commissioner or, if necessary, by the Maryland courts.

I must disagree with your conclusion that an alleged violation of the zoning ordinance, is in itself sufficient grounds to constitute default under the lease. The Notice itself references only an apparent or alleged violation. It is yet to be determined whether a violation, in fact, has occurred. Also, Mobil is given the right, under the lease, to contest or appeal the application of all ordinances which restrict or prohibit the occupation of the property in a manner desired by Mobil. It is the exercise of this right under the lease with which are concerned.

Ms. June Shock and
Ms. Gayle S. Keller

-2-

November 19, 1982

Finally, I draw your attention to Paragraph 11 of the Lease whereby your predecessors in title, as lessor, covenant to perform such acts as are necessary to be performed by lessor in premises. This obligation extends to you and others holding title with you. I have been advised by Mr. Lumsden that you, and your fellow successors to the interest of our original lessor, have refused to join an application for Special Exception by Mobil to Baltimore County which, if it had been received, would have made this whole matter unnecessary. I believe your failure to assist in making this application for the Lease, and one for which Mobil may seek reimbursement of its costs and other damages it has suffered thereby. I request you review your position on this matter and recognize your obligation to assist Mobil in obtaining the desired Special Exception permit.

Your prompt consideration of this matter would be appreciated.

Very truly yours,

W. E. Mullins

WEM:alf
0460m

LEVAN, SCHIMMEL, RICHMAN & BELMAN, P.A.

ATTORNEYS AT LAW
ROBERT H. LEVAN
DONALD S. SCHIMMEL
GIRALD M. RICHMAN
PAUL S. WASHBURN
P. DENNIS BELMAN
BRUCE M. HERSCHLAG
JUNE 27, 1983

Shirley Henschen
10 Margate Road
PO Box 223
Lutherville, MD 21093

Re: 1545 York Road/Special Exception

Dear Ms. Henschen:

As the enclosed Petition and Surveyor's Plat will indicate, Mobil has once again filed a Special Exception for application affecting the property at 1545 York Road. Once again, we ask you to join in this application as an owner of the property.

In this connection, we call your attention to the letter to you dated November 19, 1982, from Mr. W. E. Mullins, Mobil Oil Corporation, in which Mr. Mullins points to your obligation under paragraph 11 of the lease to perform such acts as may be necessary to Mobil's enjoyment of the property during the term of the lease. It is our position that this Special Exception is necessary for that enjoyment as it directly affects the economic viability of the property insofar as the station operator is concerned.

We would appreciate your executing the Petition enclosed indicating your consent to the Petition and return the same in the envelope enclosed for that purpose to this office on or before July 11, 1983. In the event we do not hear from you, we will assume that you are withholding your consent in the matter and will take steps necessary to find alternative ways of proceeding with this application.

Once again, if you have any questions, please do not hesitate to communicate with me.

Very truly yours,

Robert H. Levan

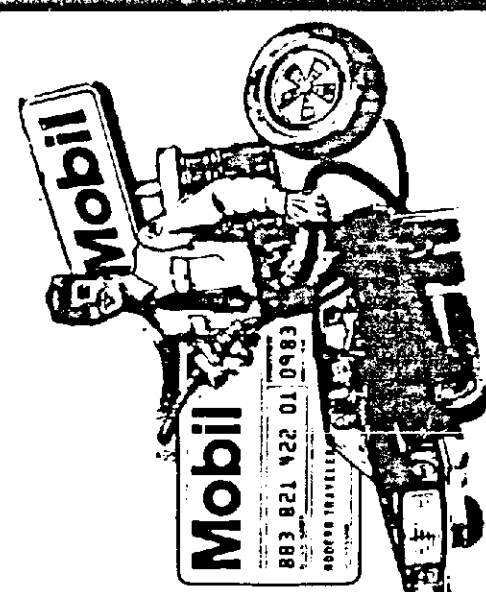
RHL/rmw

enclosures

cc: Mobil Oil Corporation,
Mr. Paul Puma

OVERLOOK CENTER SUITE 100 - 5457 TWIN KNOLLS ROAD - COLUMBIA, MARYLAND 21045
(301) 596-5620 D.C. (301) 997-4101 BALTIMORE

VERN'S
LUTHERVILLE



PRESENTS...

Delivered 6/23/82

PROTESTANT'S
EXHIBIT 1

All Self-Serve
Gasoline

Convenient
Snack Shop

Cigarettes, Magazines
Soft Drinks, Candy
and much more.

Auto Repairs
As Usual

Tires, Batteries,
Oil Changes, Tune-Ups

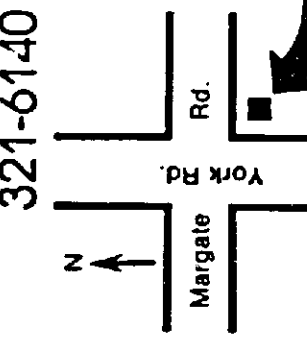
Vernon Bevans
Lutherville Mobil

1542 York Rd.
Lutherville, MD 21093

321-6140



we are
here



LEVAN, SCHIMMEL & RICHMAN, P.A.
ATTORNEYS AT LAW
ROBERT H. LEVAN
DONALD S. SCHIMMEL
GIRALD M. RICHMAN
PAUL S. WASHBURN
MARYLAND BAR ONLY

January 28, 1982

Shirley Henschen
10 Margate Road
P. O. Box 223
Lutherville, Maryland 21093

Re: 1542 York Road
Lutherville, Maryland

Dear Ms. Henschen:

I am enclosing a copy of a Petition for Special Exception which Mobil Oil Corporation is filing with the Zoning Commissioner of Baltimore County. The purpose of the Petition is to establish a snack shop to be used in combination with the existing service station.

The zoning regulations of Baltimore County require that you, as a legal owner of the property, consent to the filing of the Petition and declare that you are a legal owner of the subject property.

Accordingly, I would ask that you sign a copy of this letter which we have enclosed affirming your ownership and return it to this office as promptly as possible in the return addressed envelope that we have enclosed for that purpose.

Very truly yours,

Robert H. Levan

I do solemnly declare and affirm under the penalties of perjury, that I am a legal owner of the property at 1542 York Road Lutherville, Maryland, which is the subject of a Petition for Special Exception filed by Mobil Oil Corporation for the property at this location.

Shirley Henschen

RHL/rmw
enclosures



Macris, Hendricks and Witmer, P.A.

Engineers & Surveyors
15209 Frederick Road, Suite 208, Pockville, MD 20850
Columbia Area (301) 774-0661
Washington Area (202) 340-6705

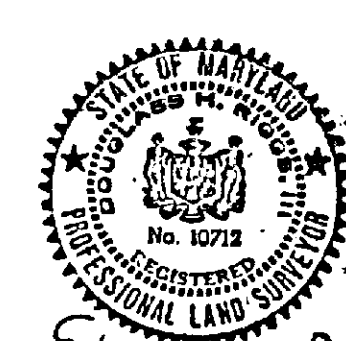
February 8, 1982

DESCRIPTION

PART OF LIBER 5498 - Folio 497
BALTIMORE COUNTY, MARYLAND

Beginning at the southeast corner of York Road and Margate Road, Baltimore County, Maryland, thence with the arc of a curve to the right having an

- 1) Arc length of 39.37 feet, and a radius of 25.00 feet to a point, thence with the arc of a curve to the left having an
- 2) Arc length of 109.36 feet, and a radius of 1450.72 feet to a point, then leaving Margate Road
- 3) South 22° 36' East, 162.56 feet to a point, thence
- 4) South 63° 22' West, 131.75 feet to a point on the easterly limits of York Road, then with said York Road
- 5) North 23° 37' West, 146.67 feet to the point of beginning. Containing 0.50 of an acre of land, more or less.



2-8-82

Owners Of 1542 York Road, Lutherville, Maryland

Margaret S. Sheeler
318 Melancton Avenue
Lutherville, Maryland 21093

Ramona S. Burns
7 Edgecliff Road
Baltimore, Maryland 21204

Hope S. McCaffrey
6 Margate Road
Lutherville, Maryland 21093

Gayle S. Keller
14520 Cuba Road
Cockeysville, Maryland 21030

Robert E. Shock, Jr.
305 Melancton Avenue
Lutherville, Maryland 21093

Evelyn S. Ford
514 Fort Lewis Boulevard
Salem, Virginia 24153

E. June Shock
1702 Kurtz Avenue
Lutherville, Maryland 21093

Shirley Henschen
10 Margate Road
P. O. Box 223
Lutherville, Maryland 21093

LEVAN, SCHIMEL, RICHMAN & BELMAN, P.A.

ROBERT H. LEVAN RONALD S. SCHIMEL GERALD M. RICHMAN F. DONN BELMAN
PAUL S. WASHBURN

October 20, 1983

Jean Marie Jung
Deputy Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

Re: Item No. 13 - Case No. 84-90-X

Dear Commissioner Jung:

In the aftermath of the hearing on October 18th and the discussions which arose concerning possible conditions to be attached to a grant of the special exception requested by Mobil, we attempted to ascertain the extent of the display of items outside the snack shop.

Immediately in front of the snack shop entrance there is a raised platform which measures roughly 10' x 14' and is approximately 8" high. The platform is shown on the site plan. It not only delineates the entrance way to the snack shop but creates a driveway with the gas pump for vehicles using the pumps. On that platform are hand truck-type devices approximately 4' high which serve to support a display for sale of certain automotive products, i.e., oil, road maps, etc., and cartons of soda. As we indicated at the hearing, this area is used for sales promotion of certain items and is important to the operator because of the limited space within the snack shop area. What we were not aware of at the hearing was that this area can be specifically delineated and, in fact, is the only area which is used for such purposes. We would have no objection to a condition attached to a grant of the special exception which would limit the area for promotion of products sold in the snack shop to that area. As we indicated, it does not have any impact on the movement of traffic through the station; it does not block any passage ways. Even the use of the apron area is limited because the owner must maintain the access area to the snack shop free of obstacles. For market reasons, use of the area in this manner is important to the operator.

In addition, we would have no objection to a limiting the snack shop operation to the sale of pre-packaged items. We would request there be no limitation on the types of pre-packaged items that might be offered and that the selection of such items be left to the business judgment of the operator.

OVERLOOK CENTER SUITE 100 - 5457 TWIN KNOLLS ROAD - COLUMBIA, MARYLAND 21045
(301) 596-5620 D.C. (301) 997-4101 BALTIMORE

Ms. Jean Marie Jung
October 20, 1983
Page Two

We also request that a copy of this letter be made a part of the record. As you will note, I have sent a copy of this letter to Ms. Shirley Henschen as the spokesperson for the opposition group.

Very truly yours,

Robert H. Levan
Robert H. Levan

RHL/cmw

cc: Mr. Paul Puma
Ms. Shirley Henschen



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JADON
ZONING COMMISSIONER

November 2, 1983

Robert H. Levan, Esquire
Suite 100, Overlook Center
5457 Twin Knolls Road
Columbia, Maryland 21045

RE: Petition for Special Exception
SE/corner of York and Margate Rds.
8th Election District
Margaret S. Sheeler, et al -
Petitioners
NO. 84-90-X (Item No. 13)

Dear Mr. Levan:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M.H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Mrs. Shirley Henschen
P.O. Box 223
Lutherville, Maryland 21093

John W. Hessian, III, Esquire
People's Counsel

LEVAN,
SCHIMEL,
RICHMAN
&
BELMAN,
P.A.
ATTORNEYS AT LAW

Overlook Center Suite 100
5457 Twin Knolls Road
Columbia, Maryland 21045
(301) 596-5620 D.C.
(301) 997-4101 Baltimore

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

IN THE MATTER OF
MOBIL OIL CORPORATION

Case No.

MEMORANDUM OF LAW

On August 8, 1960, Socony-Mobil Oil Company, Inc., now Mobil Oil Company, Inc., (Petitioner) entered into a lease agreement with Robert E. and Edna M. Shock to develop a gasoline service station at the southeasterly corner of York and Margate Roads, Lutherville, Baltimore County, Maryland. The lease was amended on May 23, 1962. A copy of the lease is attached hereto and made a part hereof. With the death of Mr. and Mrs. Shock, the property rights in the lease passed to the Shocks' heirs, referred to as the lessors.

Subsequently, Petitioner obtained a building permit for the remodeling of the York Road service station. This included modernization of the pump islands under a canopy to permit a self-service operation regulated by the operator from the station office and renovation of the office, which would, among other things, permit the installation of snack shop facilities to be operated as an ancillary use to the service station and provide a convenience for those using the station.

Section 500.2.a. states as follows:

"Whenever a petition is presented to the Office of Planning and Zoning for a zone or district classification or reclassification of a piece of property, or for a Special Exception, such petition may be filed with the Zoning Commissioner only if it meets the Zoning Commissioner's rules of practice and procedure. Whenever the Office of Planning and Zoning shall have acknowledged the adequacy of the petition in respect to such rules, including whatever site plan or other supporting material may be necessary, the petition may be filed with the Zoning Commissioner by the legal owner of the property or by his legally authorized representative."

On June 27, 1983, the Petitioner filed a Special Exception application for the above-referenced property seeking permission

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to use the property as a snack shop as an ancillary use to its primary use as a gasoline service station. The zoning ordinance authorizes food stores with less than 5,000 square feet of retail sales area as a use in combination with service stations under Section 405.4.D.8.

While Petitioner, as lessee of the property, filed the Special Exception petition, its efforts to obtain the signatures of the owners to the property were fruitless. In fact, the owners of the property have advised Mr. Commodari that they would not be joining in the application and that position was confirmed by a letter from their attorney dated July 28, 1983. Petitioner contends the application should be processed notwithstanding the refusal of the owners to join in that the lease agreement between the parties legally authorizes Petitioner to act in behalf of the owners in connection with the Special Exception application.

There are certain lease provisions to which we would direct the attention of the Zoning Commissioner.

Paragraph 4 of the lease agreement provides as follows:

"Lessee may erect and install on the said premises such buildings, improvements and equipment as it may require; may cut curbs, and construct and maintain and use driveways over, upon and across said premises for ingress and egress of vehicles and persons. No buildings, improvements and equipment erected, installed or owned by Lessee shall become a part of the real estate, but shall be and remain the property of Lessee, and Lessor grants unto Lessee full right to abandon any or all of same and/or enter to remove same at any time while this lease is in effect and within thirty (30) days after any expiration or other termination of this lease, or any renewal or extension thereof."

Paragraph 26 of the lease provides as follows:

"Lessee shall have the right to remove, alter, demolish, relocate or rearrange the buildings and improvements herein devised without obligation to restore the same in any manner whatsoever. . . ."

Finally, Paragraph 17 of the lease provides as follows:

"Lessor shall put Lessee in actual possession of said premises at the beginning of said term. Lessee

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shall have the right to sublet said premises or any part thereof. Lessor covenants that Lessee, upon the payment of the rent and the performance of its covenants herein contained, shall and may peaceably and quietly have, hold and enjoy said premises during the term hereof and any renewal or extension thereof."

Contrary to the position taken by counsel for the Lessors that they have not specifically authorized Petitioner to file for Special Exception as agents or representatives, the question of agency is one that must be determined by the relationship of the parties as they existed under the foregoing lease agreement, "and the ultimate question is one of intention." *Ramsburg v. Sykes*, 221 Md. 438, 442, 158 A.2d 106 (1960). The lease provides that the Petitioner have the property for the "erection and operation of the gasoline service station as proposed to be erected thereon by the Lessee." (emphasis supplied) The lease further provides that the Petitioner may "erect and install on said premises such building improvements and equipment as it may require". (emphasis supplied) It was also clear that at the time of the lease the concern that the property be specifically available for utilization of a service station was designed, not to limit the lessee's use of the premises, but to insure that the premises would be available for its use as a service station. Hence, if the property could not be used as a gasoline service station, the lease would expire. But it is equally clear, with regard to its operation as a gasoline service station, the lessee obtain the right to erect and operate a service station of the "type and capacity applied for" without limitation as to how that station was to be utilized and what incidental and ancillary uses might be appropriate in connection therewith. In fact, the intent of the parties' that unfettered use of the property be assured is also reflected in Paragraph 24 which contains the Lessors assurance that no title impediment exists which would either interfere with or prevent the use of the property as a gasoline station and left the judgment as to the effect

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of such impediment solely to the discretion of the Petitioner.

Petitioner, of course, is not seeking to alter the use of the premises as a gasoline service station. It continues to utilize the property in that manner but, as it is entitled to do under the Baltimore County Zoning Ordinance, seeks to add a snack shop as an ancillary use to the station to enhance its overall economic viability. In order to do this, it must obtain a Special Exception for a food store of less than 5,000 square feet under the zoning ordinance which it seeks to do. Petitioner contends that under the lease agreement it is authorized to pursue any permits that might be necessary in order to permit its use of the subject property as a gasoline service station with facilities and equipment of its choosing. We suggest that the language of the contract, considered in light of its subject matter, and its objective purpose, is both clear and unambiguous as to the relative position of the parties and the authority of Petitioner to obtain the permits necessary to operate its service station in a manner it deems appropriate.

We respectfully request that the application for Special Exception be received by the Zoning Commissioner and processed in accordance with the provisions of the Zoning Ordinance.

Respectfully submitted,

LEVAN, SCHIMEL, RICHMAN & BELMAN, P.A.

Robert H. Levan
Robert H. Levan

CERTIFICATE OF SERVICE

I hereby certify, that on this 4th day of August, 1983,

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a copy of the foregoing Memorandum of Law was mailed, postage prepaid, to John E. Mudd, Esquire, 306 West Joppa Road, Towson, MD, 21204.

Robert H. Levan
Robert H. Levan

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